

201 KAR 11:235. Post-license education requirements.

RELATES TO: KRS 324.010, 324.046, 324.090, 324.160

STATUTORY AUTHORITY: KRS 324.085, 324.281, 324.282

NECESSITY, FUNCTION, AND CONFORMITY: KRS 324.085, 324.281, and 324.282 authorize the commission to promulgate administrative regulations necessary to implement KRS Chapter 324. KRS 324.085 authorizes the commission to establish procedures for implementing the requirements for post-license education. This administrative regulation establishes procedures for implementing the requirements for post-license education.

Section 1. Definitions. (1) "Broker-affiliated training program" means one (1) or more post-license education course offered for post-license educational credit provided or sponsored by a licensed real estate principal broker.

(2) "Initial sales associate license" means the original Kentucky sales associate license issued by the commission.

Section 2. Post-license Education Course Provider Requirements. (1) A post-license education course shall be sponsored by:

- (a) An accredited institution;
- (b) A school that has been licensed by the Kentucky Commission on Proprietary Education;
- (c) An appropriate governmental regulatory body;
- (d) An approved real estate school as defined by KRS 324.010(7); or
- (e) A broker-affiliated training program approved pursuant to this administrative regulation.

(2) To apply for approval of a post-license education course, a provider shall submit:

(a) A completed Provider Application – Form E101, which shall:

1. Include a Course Outline – Form E105, broken into fifteen (15) minute increments, to include learning objectives for the course, teaching methods, auxiliary aids, materials, and the policies of the provider; and

2. Be signed by the sponsor's administrator to indicate compliance with applicable law and the requirements of this administrative regulation;

(b) A completed Education Course Application – Form E102, and the fifteen (15) dollar fee;

(c) A copy of the license from the Kentucky Commission on Proprietary Education, unless the provider is an accredited college or university, an appropriate governmental regulatory body, an approved real estate school as defined by KRS 324.010(7)(b), or an approved broker-affiliated training program;

(d) A completed Instructor Application – Form E100 for each instructor who will teach the course, as required by 201 KAR 11:175; and

(e) A copy of all advertising or brochures advertising the post-license education course.

(3) The course provider shall agree that all instructors shall abide by the Generally Accepted Principles of Education – Form E104 as adopted by the Real Estate Educators Association and the commission as the standard for classroom performance, and comply with the KREC Guidelines for Classroom Management – Form E103.

(4) The commission education director shall submit the information to the commission for approval or rejection of the course at its regularly scheduled meeting.

(5) A course and instructor that has been previously approved within the calendar year may be sponsored by another provider, upon the submission of an Education Course Application – Form E102 and approval by the commission staff.

(6) A provider shall:

(a) At least thirty (30) days prior to the scheduling of a post-license education course, submit to the commission an Education Schedule – Form E106;

(b) Give each attendee who completes the course an Education Completion Certificate – Form E110;

(c) Within ten (10) days of conclusion of a post-license education course, submit to the commission a completed:

1. Roster that lists all attendees that completed the course;

2. Course Evaluation – Form E108 completed by each attendee listed on the roster; and

3. Course Evaluation Transmittal – Form E109; and

(d) Permit unannounced monitoring of the courses and inspection of the records by the commission.

(7) A provider's approval to conduct a post-license education course shall be withdrawn by the commission for:

(a) A violation of the KREC Guidelines for Classroom Management – Form E103;

(b) Falsification of attendance information submitted to the commission;

(c) Allowing an instructor to solicit business or sell materials to students in the classroom;

(d) Failure to provide the commission the required materials in accordance with this administrative regulation; or

(e) Conducting a course not approved prior to being offered.

Section 3. Instructor Requirements. (1) A post-license education course shall be taught by an instructor approved under the requirements established in 201 KAR 11:175 and subject to the requirements in 201 KAR 11:460.

(2) A licensee who teaches an approved post-license education course shall be entitled to continuing education credit on an hour-for-hour basis.

(a) To obtain continuing education credit, the instructor shall be included on the roster that lists all attendees that completed the course that is provided to the commission.

(b) The instructor shall not receive credit more than once in a calendar year for each specific course taught.

Section 4. Post-license Education Course Criteria and Requirements. (1) One (1) hour of post-license education shall be allowed for each fifty (50) minutes of actual instruction.

(2) Post-license education shall consist of thirty-two (32) hours from the courses established in paragraphs (a) and (b) of this subsection and sixteen (16) hours as established in paragraph (c) of this subsection:

(a) The three (3) hour Commission Licensee Compliance course;

(b) The requirements in each of the following course topics:

1. Six (6) hours in Agency;

2. Six (6) hours in Contracts;

3. Three (3) hours in Finance;

4. Three (3) hours in Advertising;

5. Three (3) hours in Disclosure;

6. Three (3) hours in Fair Housing;

7. Three (3) hours in Technology and Data Security; and

8. Two (2) hours in Risk Management; and

(c) Sixteen (16) hours in elective topics chosen by the licensee from the electives listed in the Post-license Topics – Form E113.

(3) A licensee shall not receive post-license education credit for a duplicate course.

(4) More than nine (9) hours of post-license education shall not be taken in a twenty-four

(24) hour period.

(5) Each post-license education course shall consist of:

(a) Topics that are real estate specific, provide practical knowledge of the brokerage business, and protect the public interest; and

(b) Course objectives and assessments that are practicum based to allow application of knowledge from pre-license education to practical real estate brokerage scenarios.

(6) A course that is solely motivational or considered to be personal development in nature shall not be approved.

(7) All course approvals shall expire on December 31 of each calendar year.

(8) All primary or secondary providers wishing to offer online or other distance education courses shall be approved in accordance with the provisions set forth in 201 KAR 11:240. The commission shall review the content of each course to ensure that it meets the requirements established in this administrative regulation and in 201 KAR 11:240.

Section 5. Compliance and Delinquency. (1) The time requirements established in this administrative regulation shall be extended by the commission for good cause shown, such as extensive medical issues for the licensee or the licensee's immediate relative or if the licensee convenes active military duty. A licensee's request for an extension of time for good cause shown shall be submitted to the commission within the two (2) year timeframe set forth in KRS 324.085.

(2) If a licensee fails to provide proof of completion of the post-license education requirements within the allotted timeframe set forth in KRS 324.085, then the licensee's license shall be automatically canceled.

(3) A canceled license shall not be reactivated until the licensee has completed all of his or her post-license education requirements, complied with all commission orders, and all other applicable licensing requirements.

Section 6. Records Maintenance. (1) Each post-license education provider shall maintain the following records in a file for three (3) years following the end of each calendar year:

(a) A copy of the roster submitted to the commission of licensees attending the course;

(b) A copy of the Course Evaluation Transmittal – Form E109;

(c) The sign-in sheet or registration list used by the provider to track attendance; and

(d) Any other documentation regarding student attendance.

(2) Records containing licensee information shall be destroyed by the provider after the three (3) years established in subsection (1) of this section.

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Instructor Application – Form E100", 05/15 edition;

(b) "Provider Application – Form E101", 05/15 edition;

(c) "Education Course Application – Form E102", 09/15 edition;

(d) "KREC Guidelines for Classroom Management – Form E103", 05/15 edition;

(e) "Generally Accepted Principles of Education – Form E104", as adopted by the Real Estate Educators Association, 05/15 edition;

(f) "Course Outline – Form E105", 05/15 edition;

(g) "Education Schedule – Form E106", 05/15 edition;

(h) "Course Evaluation – Form E108", 05/15 edition;

(i) "Course Evaluation Transmittal – Form E109", 05/15 edition;

(j) "Education Completion Certificate – Form E110", 05/15 edition; and

(k) "Post-License Prescribed Topics – Form E113", 05/15 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, Monday through Friday, 8 a.m. to 4:30 p.m. (42 Ky.R. 1223; 1473; eff. 11-13-2015.)